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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,513	01/04/2001	Kenneth J. West	TTC 0228 PUS	4164

7590

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EXAMINER

SHORT, PATRICIA A

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 08/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754513

Applicant(s)

West et al.

Examiner

Short

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on May 19, 2003
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-9, 11-16 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 11-14 is/are allowed.
- ☒ Claim(s) 1-4, 7, 15, 16 is/are rejected.
- ☒ Claim(s) 5, 6, 8 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buonauro alone or in view of Boenig, *Unsaturated polyesters: Structure and Properties*, pages 78-100. Applicant argues that Buonauro is not enabling and that the reference does not suggest an unsaturated polyester. It is apparent that the ingredient identified as hydrogenated bis-phenol A in the examples is the linear polyester matrix resin. See col. 2, lines 57-60 and claim 1. Example II contains 1 part t-amyl perbenzoate per 65 parts hydrogenated bis-phenol A, i.e. per 65 parts of the linear polyester matrix resin required in the compositions and claims of Buonauro. Applicant's claim 2 requires 0.5 to 5 parts t-amyl perbenzoate per 100 parts of said molding resin, i.e. per 100 parts of the unsaturated polyester curable molding resin required in claim 1. Thus, the amount of t-amyl perbenzoate used in Example II of Buonauro is within the range required in claim 2. As the catalysts for inducing curing of the matrix, the inhibitors and the low profile additives disclosed for use in the compositions of Buonauro are conventionally used in unsaturated polyester compositions and hydrogenated bisphenol A is a diol conventionally used to prepare unsaturated polyesters, it would have been obvious to one of ordinary skill in the art to use an

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unsaturated polyester prepared from bis-phenol A as the matrix polyester resin in the compositions of Buonauro in order to obtain a cured matrix.

Alternatively, Boeing discloses that unsaturated polyesters prepared from hydrogenated bis-phenol A have good chemical resistance and hardness. See page 79, first full paragraph, page 81, last two paragraphs and Table 15. As evidenced by Boeing, unsaturated polyesters prepared from hydrogenated bis-phenol A are art recognized polyesters and are known to form cured products having good hardness and chemical resistance, and thus, obvious to use as the polyester prepared from bisphenol A in the compositions of Buonauro where resistance to surface damage is desired.

Claims 1-4, 7, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buonauro in view of Minke. Applicant argues that there is no motivation to combine Buonauro and Minke. The compositions of Buonauro are not limited to marble but rather are used to prepare compression molded articles having resistance to surface damage. The door skins taught by Minke are compression molded and can be made from polyesters prepared from hydrogenated bisphenol A. See col. 3, lines 27-38. The motivation to combine Buonauro and Minke is to provide compression molded door skins having improved resistance to surface damage.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buonauro in view of Minke taken further with Boenig, *Unsaturated polyesters: Structure and Properties*, pages 78-100. The references are discussed above and in the previous Office action. As evidenced by Boeing, unsaturated polyesters prepared from hydrogenated bis-phenol A are art recognized polyesters and are known to have good hardness and chemical resistance, and thus, obvious to use as the polyester prepared from bisphenol A in the compositions of Buonauro where resistance to surface damage is desired and in view of Minke to use the compositions to form door skins having improved resistance to surface damage.

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Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Buonauro. The rejection is applied as in the previous Office Action. The claims do not require unsaturated polyester. Further, as explained above, it would have been obvious to use an unsaturated polyester prepared from hydrogenated bis-phenol A as the hydrogenated bis-phenol A polyester in the compositions of Buonauro in order to obtain a cured matrix. It is not clear how the claimed compression molded part differs from the compression molded articles of the Buonauro that are cured with t-amyl peroxybenzoate.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

P. Short

July 24, 2003

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